

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 9th July, 2010.

H.R.M.P.No.395 of 2008

- Petitioner : N.Anilkumar, Pankaj Vilasam,
Mukkunnimala, Nemom.P.O,
Pallichal Village, eyyattinkara Taluk
- Respondents : 1) Dr.Veena, M.D (Skin), Student,
Medical College Hospital, Thiruvananthapuram
2) Another Government Doctor, H/o R1.
3) Duty Doctor, Casualty, MCH, Thiruvananthapuram,
at 1.30 on 5-1-2008

ORDER

The complaint of the petitioner is that on 5-1-2008 the foot of his left leg was broken and he also suffered injuries on his body since his bike was hit by the car driven by R1 and she did not take him to the hospital and the local people took him to the casualty of the Medical College Hospital (MCH), Thiruvananthapuram, where his X-Ray was taken. According to him, at that time R1 and R2 came to the X-Ray room and R2 asked him to file the case before the Court and left the place after meeting the casualty duty doctors without making any arrangements for his treatment. It is also stated in the petition that the duty doctors, after examining his X-Ray, advised him to take rest for one week and asked to visit the O.P on 9-1-2008 and sent away after dressing the leg but there was no relief to him on these days and later he visited the O.P on 9-1-2008 as advised and consulted another doctor who prescribed for one more X-Ray and after examining it suggested for urgent admission and operation. On account of the bitter

experience and fear he left MCH and got himself admitted in a private hospital where the operation was performed. According to him, the doctors violated the medical ethic rules and there were negligence on the part of the respondents and he spent Rs.30,000/- for the operation of his leg alone and he requires more amount for his further treatment. His prayer is to take action against the respondents and also to solve his mental and physical losses.

In the report submitted by the Director of Medical Education, Thiruvananthapuram, it is stated that an enquiry was conducted at 12.30 p.m. on 30-4-2010 to find out the true facts on the complaint filed by the petitioner but he was absent and the respondents were present. According to the report, R1, in her statement, admitted that the accident occurred on 5-1-2008 but she denied the allegations made by the petitioner in the complaint and that according to R1a police case was registered and she remitted the fine amount as ordered by the Judicial First Class Magistrate, Thiruvananthapuram and further, she never interfered or influenced in the treatment given to the petitioner at MCH, Thiruvananthapuram. According to the report, the duty medical officers who were on duty in the casualty on 5-1-2008 stated that they do not remember this particular case since there are no details of case sheet or O.P ticket and they are giving due care to all the patients. The report concludes by stating that as the petitioner was absent the enquiry committee could not peruse the documents in support of the complaint.

As regards the allegations made against the respondents they were denied by them during the enquiry and the petitioner was not present. Therefore, the enquiry officer could not come to the conclusion as to the truth of the allegations made by the petitioner.

It looks from the petition that the petitioner is now aggrieved for not getting any compensation for the injuries on account of the accident from R1 and R2. In this circumstance, it is to be stated that if there is a motor accident and if a person suffers an injury on account of the accident he has to approach only the Motor Accident Claim Tribunal to seek necessary compensation and this Commission has no jurisdiction to direct a private party to pay compensation to another private party.

The petition is hence closed.

Justice N.Dhinakar,
Chairperson.